IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

MONDAY, THE 5TH FEBRUARY 2007 / 16TH MAGHA 1928

Crl.Rev.Pet.No. 502 of 2007()

CRA.40/2001 of ADDL. SESSIONS COURT (ADHOC), THALASSERY
CC.391/1996 of JUDL.MAGISTRATE OF FIRST CLASS COURT, MATTANNUR

REVN. PETITIONER: APPELLANT/ACCUSED:

R.V. RAJAN, S/O.KANNAN,
AGED 39 YEARS, RESIDING AT RAMAPURATH VALIYA
VEEDU, P.O.KEEZHUR, IRITTY, THALASSERY TALUK,
KANNUR DISTRICT.

BY ADV. SRI.P.P.RAMACHANDRAN

RESPONDENTS - RESPONDENTS - COMPLAINANT:

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1. P. HAREENDRAN, S/O.NARAYANAN,
PUTHALATH HOUSE, THANTHODE,
P.O.IRITTY, THALASSERY TALUK,
KANNUR DISTRICT.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI.JAYANANDAN MADAYI PUTHIYAVEETTIL R1
BY PUBLIC PROSECUTOR SHRI KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 05/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. PADMANABHAN NAIR, J.

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CRL. R.P. NO. 502 OF 2007

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Dated this the 5th day of February, 2007

O R D E R

Heard. Admitted. Advocate Shri Jayanandan M.P. took notice for first respondent and Public Prosecutor for second respondent. Criminal Revision Petition itself is heard and disposed of as agreed to by counsel on both sides.

2. Revision petitioner was found guilty of an offence punishable under Section 138 of the Negotiable Instruments Act in C.C. No.391 of 1996 on the file of the Judicial First Class Magistrate, Mattannur. Petitioner filed Crl. Appeal No. 40 of 2001 before the Sessions Court, Thalassery. Learned Sessions Judge confirmed the conviction, but modified the sentence. Hence this Criminal Revision Petition.

3. It is submitted by counsel on both sides that matter has been settled out of court. Parties have filed Crl. M.A. No.1472 of 2007 for compounding the offence. Today I have allowed that application. Hence this Criminal Revision Petition is only to be allowed.

In the result, Criminal Revision Petition is allowed. Conviction and sentence imposed on the revision petitioner under Section 138 of the Negotiable Instruments Act are hereby set aside. Revision Petitioner is acquitted under Section 320(8) of the Code of Criminal Procedure.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

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CRL. R.P. NO.502 OF 2007

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O R D E R

5TH FEBRUARY, 2007

Issue copy today itself

B/o

P.A. to Judge